

**JOINT FARMINGTON CITY COUNCIL/
REDEVELOPMENT AGENCY OF
FARMINGTON CITY MEETING**

Tuesday, December 12, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Council Member Hale began discussion at 5:45 P.M. The following items were reviewed:

Agenda Item #4: Request for Final Plat Approval of Rice Farms Estates, PUD, Phase 1-B - Jerry Preston

Max Forbush said Phase 1B was not approved at the same time as Phase 1a since there were wetlands issues that needed to be resolved on the second phase. The City Planner recommends that the Council grant final plat approval on Phase 1b because the wetland issues have now been resolved.

Agenda Item #7: Minute Motion Approving Summary Action List

- Approval of Changer Order #2 - Claude H. Nix Construction

Max Forbush said the change order is for the utility work that is being performed on Glover Lane associated with the Legacy Project. All funding will be reimbursed by UDOT.

Agenda Item #8: Resolution Adjusting Residential Garbage Collection Rates

Max Forbush said the Resolution will allow the City to pass through the changes in disposal costs that the City has received from the Burn Plant. The Wasatch Energy District is decreasing the cost of the first container by \$2, but increasing the charges for additional containers by \$1.25 per residential can.

Agenda Item #9: Resolution Amending 9.050 (Funeral Leave); 17.090 (Vehicle Use); and 17.100 and 17.105 (Cell Phones) of the City's Personnel Policies

Agenda Item #10: Resolution Amending 8.060 (Overtime requirements) and 8.070 (on-call pay) and 11.010 (work periods) of the City's Personnel Policies

Council Member Hale and Young reported that they met with the Personnel Committee comprised of the two of them, plus employee representatives and recommend the following amendments to the Personnel Policies:

- The term “immediate family” was defined to include step-family members.
- The City Personnel Policies clarified the use of cellular phones while driving City vehicles. This is a “risk management” recommendation.
- Overtime issues and definitions are to be clarified which will allow for better management and better employee understanding. The changes in terms will now more closely follow the Fair Labor standards. Presently the City exceeds FLSA requirements.

Agenda Item #14: Miscellaneous

Max Forbush said the City received a letter from the Davis County School District requesting approval for the school buses to access 650 West while Glover Lane is under construction. They would like authorization for the District to use this street because of Legacy Highway construction detours.

Agenda Item #5: Review of Station Park Development Agreement and Related Matters with CenterCal - 1st Reading

Agenda Item #6: Review of Agreement for the Development of Land (ADL) with Redevelopment Agency of Farmington City and CenterCal - 1st Reading

Tom Ellison, the Attorney for CenterCal, reviewed the Agreement for the Development of Land (ADL). Neither the ADL or the Development Agreement have been finalized. Although the Council did not have copies of the Attachments, **Tom Ellison** briefly summarized the Attachments which he indicated are the most important exhibits relating to the project.

The Council discussed the Road to the North. The City Manager suggested that the engineering firms for the City and CenterCal estimate the cost of the road.

Sid Young suggested that CenterCal contribute a percentage of the cost if the amount exceeds the estimated cost of the road.

Max Forbush said while the City wants to be as fair as possible with CenterCal, the City needs to follow through with previous decisions. It would be beneficial for the City to have a commitment to obtain the necessary right-of-way for the “road to the north”.

Tom Ellison said if CenterCal invests more than \$80 million in the project, it is likely that the City will recoup real property tax revenues in excess of the tax increment amount sooner than anticipated.

David Hale asked if CenterCal still has issues (other than entitlements) that need to be resolved prior to closing.

Max Forbush said the main issue that needs to be resolved involves UDOT. The land exchange is less problematic than the engineering standards.

Rick Dutson and **Mayor Harbertson** arrived at 6:25 P.M.

Agenda Item #3 - Review of Annual Audit Report - Ulrich & Associates

Mike Ulrich reviewed the Annual Audit Report, including the following points:

- The City's governmental type funds had an overall increase of approximately \$400,000.00. The City issued a record number of building permits. The expected revenues exceeded 18% so the City will need to decrease the surplus during the year 2007.
- The City's business type funds include water, sewer and garbage operating income. Most of the City's programs are self-sustaining with the exception of the pool, however, it did much better this year.
- The City's tax rate has decreased the past several years.
- The City's per capita debt has decreased over the past five years.
- The Management Letter indicates that there should be tighter fuel station controls for seasonal workers and that the Department Heads and employees should review the time sheets prior to turning them in.
- Auditor interviews with City employees indicate that there is a positive employee morale with very few negative comments which is extremely rare when comparing Farmington with other Utah municipalities.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

A report was not given.

The City Council agreed to consider Agenda Items 14, 3, 7, 8, 9 and 10 prior to Agenda Item #4 to allow the applicant to be present.

MISCELLANEOUS

Mayor Harbertson explained that the City received a formal request from the Davis County School District to modify the Inter-local Agreement with the City to allow the bus drivers to use 650 West to access the bus compound while the Glovers Lane bridge is closed.

Richard Lindsley (Farmington resident and bus driver) said the closure of the Glovers Lane bridge is causing the traffic to “bottleneck”. The traffic will flow better if the buses are allowed to access 650 West.

David Hale suggested that the City allow the bus drivers to use 650 West so long as Glovers Lane is not accessible.

Motion

David Hale moved that the City Council direct City staff to draft a letter to the District to authorize an exception as permitted in the Inter-local Agreement on a temporary basis to allow the buses to use 650 West when Glovers Lane and State Street are not accessible. **Sid Young** seconded the motion, which passed by unanimous vote.

REVIEW OF ANNUAL AUDIT REPORT - ULRICH & ASSOCIATES (Agenda Item #3)

Mike Ulrich briefly reviewed the City’s Annual Audit Report. For fiscal year ending June 30, 2006, revenues exceeded the amended budget and expenditures were less than the amended budget. The net result is an increase in the City’s fund balance in the General Fund. All other City funds are healthy and managed properly. The audit report gives the City a clean opinion that the City’s financial reporting complies with National standards. The City is over on revenues and under on expenditures.

Motion

David Hale moved that the City Council accept Ulrich & Associates Annual Audit Report. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REQUEST FOR FINAL PLAT APPROVAL OF RICE FARMS ESTATES, PUD, PHASE 1B-JERRY PRESTON (Agenda Item #4)

Mayor Harbertson explained that the wetlands issues that previously existed in Phase 1-B have been resolved. Phase 1B is consistent with the other phases of the development that were

previously approved.

David Petersen said City staff and the Planning Commission recommend that the City Council approve the final plat for the Rice Farms Estates PUD Phase 1-B subdivision.

Motion

Rick Dutson moved that the City Council approve the final plat for Rice Farms Estates, PUD, Phase 1B. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REVIEW OF STATION PARK DEVELOPMENT AGREEMENT AND RELATED MATERS WITH CENTERCAL - 1ST READING (Agenda Item #5)

Tom Ellison (CenterCal Attorney) explained that the Development Agreement has not been reviewed by the City Council. He reviewed the key issues as the Council and Mayor followed along with their copies of the Agreement.

Elizabeth Angyl (CenterCal) said CenterCal is currently studying the traffic study prepared by their traffic engineers for submittal to UDOT. They will provide a copy of the study to UDOT and the City in the near future.

Tom Ellison said the Development Agreement is being used to adopt the Project Master Plan and will likely be approved simultaneously with the other Agreements. The approval process will allow the Development Agreement to supercede the underlying development provisions which exist within the Code. The City Attorney has not yet reviewed the changes to the Development Agreement.

Mr. Ellison reviewed Paragraph 3 which outlines the properties that will be included in the project.

Mayor Harbertson asked if it would be possible to switch space from the “A zone” with parking in the “C zone” to allow access to the bridge.

Elizabeth Angyl said the office building has been relocated since the Site Plan was created.

Tom Ellison reviewed Paragraph 4. He explained that a standard was added whereby the entrance to the Station and the road leading to the transit will not move more than 200 feet.

Max Forbush asked if the City will have the right to require the developer to repair regional amendments if the basic configurations of the Park Lane alignment change and effect adjoining streets.

Todd Godfrey said it may prevent the City from unilaterally imposing a change but it will not prevent negotiations.

In response to a question from **Sid Young**, **Elizabeth Angyl** displayed an Exhibit from the Project Master Plan and stated that there will be three access points to the project on Clark Lane.

Mayor Harbertson explained that the access points will relieve the traffic pressure on Park Lane.

Max Forbush suggested that a committee (made up of City staff, the Attorneys for the City and CenterCal, the Mayor, and a member of the Council) be formed to review Station Park legal documents to prepare for the next City Council meeting.

The Council agreed to hold the committee meeting on Monday, December 18, 2006, from 9:00 A.M. until noon.

REVIEW OF AGREEMENT FOR THE DEVELOPMENT OF LAND (ADL) WITH REDEVELOPMENT AGENCY OF FARMINGTON CITY AND CENTERCAL - 1ST READING (Agenda Item #6)

The City's Redevelopment Agency Attorney, **Randy Feil**, reviewed the Agreement for the Development of Land (ADL) which is a document that sets forth the performance requirements for the development such as the minimum investment, infrastructure, public improvements, enhancement, etc. The Agreement also sets forth the terms for paying the tax increment subsidy for the developers performance. He reviewed the key components of the Agreement as the Council Members followed along with their copies of the Agreement.

Randy Feil asked the developer to determine how many housing units they will provide in order to qualify for the \$17 million. The developers must invest at least \$80 million into the Station Park project before 2009 to be entitled to the \$17 million. The figure of \$17 million is the amount remaining after the Agency sets aside \$1.5 million for its use. (Five hundred thousand dollars is for administration and engineering/minor projects. The other \$1 million is for housing in the "Downtown RDA Project Area".)

The developer agreed to provide a minimum of 50 housing units in order to qualify for the \$17 million.

Mayor Harbertson suggested that the funding for the Lagoon platform be deducted from the \$17 million since the cost of the platform was higher than Lagoon anticipated.

Randy Feil recommended that the Agency provide Lagoon a grant to offset the cost of the improvements.

Mr. Feil reviewed Paragraph 6 which prohibits the developer from transferring the site to another party, without the Agency's approval, until improvements are complete.

Tom Ellison said there is similar language in the Development Agreement but there is not a penalty clause if the property is sold. The closing and purchasing terms are included in the Development Agreement.

Randy Feil indicated that Paragraph 6.2.b. allows the developer to transfer the property to an affiliate in the event of a merger or as security for debt to build the project without receiving permission from the Agency. He reviewed Attachment #4 and explained that if the developer does not perform the improvements by the specified date, they will be in default and will receive a notice from the City to comply or they will not receive the increments.

Max Forbush explained that it may be a challenge to complete the "Road to the Station" in the anticipated time frame due to weather issues and the irrigation season start up date. (The road crosses a Weber Basin line which cannot be disrupted during the irrigation season.) It could be 2008 before the road is placed. The grants have already been extended. CRS Engineering applied to be the Project Manager which would authorize them to begin the design process, but the bid process can not begin until there is access to the right-of-way.

Sid Young asked if the bus connection to commuter rail will be delayed until 2010 if the Clark Lane connection is not provided by 2008.

Max Forbush stated that if the road to the Station is complete, the buses could use that route until the other route is complete.

The City Council, CenterCal representatives and attorneys discussed possible locations to provide access to the commuter rail in the event the road is not complete.

Steve Meyer (UTA) reported on the following issues relating to the commuter rail:

- 1,000 parking stalls are needed for the "C" area. If development occurs in that area, additional parking will need to be provided.
- *Potential Multi-Modal Connections:* UTA is accepting of the proposed BRT route but does not want to be precluded from providing transit from Park Lane into the site. Transit should not be considered detrimental to a transit-oriented project and zone.

Mayor Harbertson said he is concerned about allowing transit in the plaza-type areas.

Steve Meyer said he is aware of other sites where transportation is provided in plaza-type areas. The map appears to be precluding UTA from accessing that area.

David Hale suggested that the bus access be limited to the perimeter of the development since CenterCal will provide a shuttle for the interior areas of the development.

Steve Meyer said the handicapped patrons need to be considered.

- *Grading & Drainage Plan:* UTA is not opposed to combining the underground detention with CenterCal but the details will need to be agreed upon by the two parties. The agreement will have to be approved by the Federal Transit Authority.
- *Pedestrian Overpass:* UTA is interested in entering into a License Agreement with CenterCal to build 400 parking stalls to be used during the off-peak times.

Steve Meyer reported that the rail will be complete by the end of September 2006 so the trains will begin testing as early as July, 2007. The service could be running at the end of 2007.

David Hale asked if the bridge can be designed to include a wind shield.

Steve Meyer said the bridge is 30% obstructed so the stairs and walkway will be heated. The City was given the opportunity to contribute to the bridge improvements but chose not to. If the bridge were enclosed, they would need to provide heating, air conditioning, fire suppression and a significant increase in wind load. When Legacy Highway is built, they can analyze the bridge and determine whether it is experiencing high wind loads.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7)

David Hale moved that the City Council approve the following items by consent as follows:

7-1. Approval of Change Order #2 with Claude H. Nix Construction

Paula Alder seconded the motion, which passed by unanimous vote.

RESOLUTION ADJUSTING RESIDENTIAL GARBAGE COLLECTION RATES (Agenda Item #8)

Mayor Harbertson said each resident receiving residential garbage collection services from the City shall pay rates as follows:

- \$12.00 per month for the first automated garbage collection container. (A reduction of \$2/month.)
- \$9.25 per month for each additional automated garbage collection container. (An increase of \$1.25 per month per each additional collection container.)

Motion

Sid Young moved that the City Council adopt RESOLUTION 2006-77, A RESOLUTION AMENDING GARBAGE COLLECTION RATES FOR AUTOMATED COLLECTION OF GARBAGE WITHIN FARMINGTON CITY, UTAH. **Larry Haugen** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING 9.050 (FUNERAL LEAVE); 17.090 (VEHICLE USE); AND 17.100 AND 17.105 (CELL PHONES) OF THE CITY'S PERSONNEL POLICIES (Agenda Item #9)

Mayor Harbertson said the amendment to the Personnel Policies and Procedures regarding funeral leave, vehicle use, and cellular phones will be beneficial to the City, and will also enhance risk management. He questioned whether the City has experienced issues with the employees using more than their allotted cellular phone minutes.

Keith Johnson said the City has the ability to manage the phones so there has not been a problem with employees abusing the use of the phones.

Motion

Rick Dutson moved that the City Council approve RESOLUTION NO. 2006-78, A RESOLUTION AMENDING SECTION 9.050 OF THE FARMINGTON CITY PERSONNEL POLICIES AND PROCEDURES REGARDING FUNERAL LEAVE, SECTION 17.090 REGARDING VEHICLE USE, AND SECTION 17.100 REGARDING CELLULAR PHONES, AND ADOPTING SECTION 17.105 REGARDING USE OF CELLULAR PHONES WHILE DRIVING. **Paula Alder** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING 8.060 (OVERTIME REQUIREMENTS) AND 8.070 (ON-CALL PAY) AND 11.010 (WORK PERIODS) OF THE CITY'S PERSONNEL POLICIES (Agenda Item #10)

Mayor Harbertson questioned whether there are employees who are abusing the overtime guidelines.

Max Forbush said most of the overtime compensation is generated in the Public Works Department but it seems to be justified. The overtime pay is well managed and reviewed by City staff.

Motion

Paula Alder moved that the City Council approve RESOLUTION NO. 2006-79, A

RESOLUTION AMENDING SECTION 8.060 OF THE FARMINGTON CITY PERSONNEL POLICIES AND PROCEDURES REGARDING EMPLOYEE OVERTIME REQUIREMENTS AND COMPENSATION SECTION 8.070 REGARDING ON CALL PAY AND SECTION 11.010 REGARDING WORK PERIODS. **David Hale** seconded the motion, which passed by unanimous vote.

APPOINTMENT OF PLANNING COMMISSION MEMBERS (Agenda Item #11)

Mayor Harbertson recommended that two Planning Commissioners and two alternate Planning Commissioners be appointed. He recommended the following individuals and terms:

Planning Commissioners:

Jim Talbot:	One year term
Andrew Hiller:	One year term

Planning Commission Alternates:

David Safeer:	One year term
Randy Hillard:	One year term

Max Forbush said he will discuss the recommendation with the City's legal counsel to verify that the adjustment to the Ordinance will be legally bound so Planning Commission decisions will be upheld.

MAYOR SCOTT C . HARBERTSON REPORT

Mayor Harbertson reported on the meetings he attended since the last City Council meeting.

CITY COUNCIL REPORTS

The City Council discussed the R.A.P. tax and the proposal to make it a County-wide tax.

MISCELLANEOUS

Max Forbush informed the Council Members that CRS Engineering is willing to study the road configuration proposal that was given by Dave Dixon which could resolve the timing issues. The City could authorize the \$3,500 engineering cost that could be reimbursed by CenterCal.

Mayor Harbertson suggested that the City discuss the issue with CenterCal to determine whether they are interested in the proposal.

ADJOURNMENT

David Hale moved that the meeting adjourn at 10:00 P.M.

Margy Lomax, City Recorder
Farmington City

Max Forbush, Executive Director
Redevelopment Agency of Farmington City